

Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ELECTION COMMISSION

11 CFR Part 100

[Notice 1999-7]

Definition of "Express Advocacy"

AGENCY: Federal Election Commission.

ACTION: Notice of Disposition of Petition for Rulemaking.

SUMMARY: The Commission announces its disposition of a Petition for Rulemaking filed on January 11, 1999 by James Bopp, Jr., and the James Madison Center for Free Speech on behalf of the Virginia Society for Human Life. The petition urged the Commission to revise its definition of "express advocacy" to reflect certain recent court decisions on this issue. In a pair of 3-3 vote decisions, the Commission declined to act on this Petition.

DATES: April 29, 1999.

FOR FURTHER INFORMATION CONTACT: N. Bradley Litchfield, Associate General Counsel, or Rita A. Reimer, Attorney, 999 E Street, N.W., Washington, D.C. 20463, (202) 694-1650 or (800) 424-9530.

SUPPLEMENTARY INFORMATION: On January 11, 1999, the Commission received a Petition for Rulemaking from James Bopp, Jr., and the James Madison Center for Free Speech on behalf of the Virginia Society for Human Life. The Petition urged the Commission to revise the definition of "express advocacy" set forth at 11 CFR 100.22 by repealing paragraph 100.22(b). The challenged paragraph defines "express advocacy" to include communications in which the electoral portion is "unmistakable, unambiguous, and suggestive of only one meaning, and reasonable minds could not differ as to whether it encourages actions to elect or defeat one or more clearly identified candidate(s) or encourages some other action."

The Commission published a Notice of Availability on the Petition on February 3, 1999, 64 FR 5200, and received six comments in response. The Commission received comments from

the Brennan Center for Justice; Common Cause; Craig A. Dimitri; the Free Speech Coalition, Inc.; Cleta Mitchell, on behalf of the First Amendment Project of the Americans Back in Charge Foundation; the National Citizens Legal Network; and William Westmiller.

On April 29, 1999, the Commission voted 3-3 on two motions involving this Petition. The first 3-3 vote decision came on a motion to adopt the Office of General Counsel's recommendation that the Commission decline to open a rulemaking in response to the Petition, and the second on a motion to direct the Office of General Counsel to open the requested rulemaking. Since neither motion received the affirmative vote of four members of the Commission, the Commission is announcing that no further action on the Petition will be taken at this time. See 2 U.S.C. 437(c).

Dated: May 14, 1999.

Scott E. Thomas,

Chairman, Federal Election Commission.

[FR Doc. 99-12663 Filed 5-19-99; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. NM157; Notice No. 25-99-05-SC]

Special Conditions: Boeing Model 767-400ER Sudden Engine Stoppage

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed special conditions.

SUMMARY: This document proposes special conditions for the Boeing Model 767-400ER airplane. This airplane will have a novel or unusual design feature associated with sudden engine stoppage. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards. **DATES:** Comments must be received on or before July 6, 1999.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal

Aviation Administration, Office of the Regional Counsel, Attention: Rules Docket (ANM-7), Docket No. NM157, 1601 Lind Avenue SW, Renton, Washington, 98055-4056, or delivered in duplicate to the Office of the Regional Counsel at the above address.

Comments must be marked: NM157. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m. **FOR FURTHER INFORMATION CONTACT:** Joe Jacobsen, FAA, Standardization Branch, ANM-113, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98055-4056; telephone (425) 227-2011; facsimile (425) 227-1149.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. The proposals described in this notice may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to NM157." The postcard will be date stamped and returned to the commenter.

Background

On January 14, 1997, Boeing Commercial Airplane Group applied for an amendment to Type Certificate No. A1NM to include the new Model 767-400ER airplane, a derivative of the Model 767-200/-300 series airplanes. The Model 767-400ER airplane is a swept-wing, conventional-tail, twin-